

Notice of Allowability

Application No.

10/500,804

Examiner

STEPHEN GUCKER

Applicant(s)

BONNY, CHRISTOPHE

Art Unit

1649

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/16/09.
2. ☒ The allowed claim(s) is/are 31,33,36, renumbered as 1-3, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/5/09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date same as allowance
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. The Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, filed 2/12/09, is hereby withdrawn and vacated because Applicant's pending sequence disclosure complies with MPEP 2423(e).
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd B. Buck on 4/17/09.

An examiner's amendment to the record appears below.

In the claims:

Canceled claims 25, 27, and 30.

Amended claims 31 and 36:

Claim 31. (currently amended): A method of inhibiting apoptosis in a neuronal cell or a pancreatic cell, comprising contacting said cell with a chimeric peptide less than 50 amino acids in length, wherein the peptide comprises a first domain and a second domain linked by a covalent bond, wherein said first domain comprises the amino acid sequence of SEQ ID NO:36 and the second domain comprises an SH3 binding peptide having an amino acid sequence selected from the group consisting of SEQ ID NO:2, wherein [X represents any single amino acid residue] Xaa at the amino acid residue 2 position can be any single amino acid, Xaa at the amino acid residue 3 position can be either serine or proline, Xaa at the amino

acid residue 5 position can be either glycine or leucine, and Xaa at the amino acid residue 6 position can be any single amino acid residue, and wherein said chimeric peptide [and] inhibits the binding of mitogen-activated protein kinase-7 (MKK7) [kinase] to insulin binding protein 1 (IB1) or insulin binding protein 2 (IB2).

Claim 36. (currently amended): A method of promoting neuronal cell growth, comprising contacting said cell with a chimeric peptide less than 50 amino acids in length, wherein the peptide comprises a first domain and a second domain linked by a covalent bond, wherein said first domain comprises the amino acid sequence of SEQ ID NO:36 and the second domain comprises an SH3 binding peptide having an amino acid sequence selected from the group consisting of SEQ ID NO:2, wherein [X represents any single amino acid residue] Xaa at the amino acid residue 2 position can be any single amino acid, Xaa at the amino acid residue 3 position can be either serine or proline, Xaa at the amino acid residue 5 position can be either glycine or leucine, and Xaa at the amino acid residue 6 position can be any single amino acid residue, and wherein said chimeric peptide [and] inhibits the binding of mitogen-activated protein kinase-7 (MKK7) [kinase] to insulin binding protein 1 (IB1) or insulin binding protein 2 (IB2).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gucker whose telephone number is 571-272-0883. The examiner can normally be reached on Mondays through Fridays from 0930 to 1800.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker, can be reached at 571-272-0911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. G./
Examiner, Art Unit 1649
Stephen Gucker
May 6, 2009

/Jeffrey Stucker/

Supervisory Patent Examiner, Art Unit 1649